



LAND USE SERVICES DEPARTMENT PLANNING STAFF REPORT



HEARING DATE: January 11, 2007

AGENDA ITEM NO: 3

Project Description

Applicant: Land Use Services Department
Proposal: General Plan Update project to include: an update of the County General Plan goals, policies and maps (including associated land use district changes); the establishment of 13 community plans; and a complete revision to Title 8 of the San Bernardino County Code (the Development Code).
Index: CW1-849N
CATS: 00243CQ0
Community: Countywide
Location: Countywide
Staff: Randy Scott

Background

On December 7, 2007, the Planning Commission conducted its seventh public hearing on the General Plan Update Program. Staff presented several changes to the General Plan Text and the Development Code, and a change to the Land Use Zoning Map for Fontana. A representative of the consulting firm of URS Corporation presented a brief overview of the Environmental Impact Report process. The Final Environmental Impact Report (FEIR) was not complete by that meeting, and there were additional issues that needed to be addressed in the Development Code. The hearing was continued to January 11, 2007 to allow additional time to prepare the FEIR and to address a few remaining issues related to development standards in the Development Code Update. The FEIR is still under preparation and will be presented to the Commission at a later date.

DEVELOPMENT CODE CHANGES

The following is a short description of the changes to the Development Code that have been made since the December 7th hearing. The main areas in the Code that still warrant further discussion are the provisions for the Infrastructure Improvement Standards and the calculation methods for determining minimum parcel sizes for subdivisions of land. Other miscellaneous amendments have been made and are included in Attachment 1.

❖ INFRASTRUCTURE IMPROVEMENT STANDARDS:

Clarification and refinement of the Infrastructure Improvement Standards have been a point of discussion since they were introduced to the Commission on October 19, 2006. The primary concerns over these standards, as voiced in the testimony received at the various hearings and in the numerous letters in opposition, have been over the paving requirements for Parcel Map applications and the water requirements in the Desert Region. There were also questions whether these standards apply to existing lots of record or just to new subdivisions.

Paving: After reviewing all of the questions relative to the paving issue, staff recommended at the November 16th hearing that the Infrastructure Improvement Standards be revised to require

Action taken by the Planning Commission on this item may be appealed to the Board.
Note: Recommendations to the Board of Supervisors are not appealable.

Yes ☐ No ☒

paving for Parcel Map applications only where the subdivision is adjacent to an existing paved road.

Applicability: Since the last hearing, staff has revised Section 83.09.020 (Applicability) to clarify that the Infrastructure Improvement Standards outlined in Tables 83-09, 83-10 and 83-11 will only apply to new subdivisions of land and development on commercial, industrial and institutional projects. This section now reads as follows:

"The standards provided in this Chapter apply to all new residential and nonresidential subdivisions and non-residential development in the Valley Region, Mountain Region, and Desert Region of the County. Where indicated, some of these standards may apply to ministerial permits such as building permits. Infrastructure requirements for residential development on existing lots of record are listed in Section 84.21.030 (Minimum Residential Construction Standards) and Section 84.16.040 (Development Standards Applicable to All Multi-Family Projects)."

As stated in the section quoted above, the standards that apply to existing lots of record for residential development have been extracted from the tables and have been added to the provisions for Single-Family Residential Dwellings and Multi-Family Residential Development Standards. These changes are included in Attachment 1. Because the circumstances regarding developing existing lots of records can vary tremendously, greater flexibility is built into these provisions and allows the Public Works Department greater latitude in determining exactly what is needed for each specific parcel being developed.

Water: The requirements for water and sanitation are important factors relative to these infrastructure improvement standards. The County must ensure that there is adequate area in newly subdivided parcels to provide for reliable potable water supply and proper wastewater disposal. The Updated Code requires projects with urban scale development (new parcels less than 2.5 acres) to connect to a water purveyor and that wells should only be permitted for new subdivisions on parcels that are at least 2.5 acres. Contemporary development standards also call for the elimination of hauled water as a method of meeting assured water requirements.

However, there is a need to allow for alternate standards for existing lots of record. Consequently, the standards for these parcels have been added to the standards for single-family and multi-family residential projects in Sections 84.16.040(l) and 84.21.030(g). The standards that will continue to apply to residential development on existing lots is as follows:

"Water purveyor: Required when in the service area of a water purveyor and the purveyor can supply the water."

Substantiated well water: If the subject parcel is not within the service area of a water purveyor, well water may be allowed if the 100-foot setback requirement from any portion of a septic system, holding tank or property line can be met."

Hauled water: If the 100-foot setback requirement from any portion of a septic system or holding tank cannot be met, hauled water may be permitted."

The standards for residential development on existing lots of record relative to sanitation have been amended to state:

"Sewer: Required when in the service area of a sewer provider and the subject parcel is within 200 feet of the sewer line.

Septic systems/Holding tanks: Allowed in compliance with the local Regional Water Quality Control Board regulations."

❖ **PARCEL AREA CALCULATIONS:**

With the elimination of the Improvement Levels that are part of the current General Plan, the General Plan Update strives to make a clear delineation between urban and rural areas through policy and through the General Development and Use Standards and the Infrastructure Improvement Standards in the Code. The desire is to identify what is urban vs. what is rural and what distinguishes the differences between the two. Staff believes that the land use zoning districts make a clear distinction of urban vs. rural styles of development and have defined urban vs. rural in the General Development and Use Standards Chapter of Division 3 of the new code. Urban land use zoning districts are listed as Single Residential (RS), Multiple Residential (RM), Special Development (SD) and all commercial, industrial and institutional land use zoning districts. Rural land use zoning districts are listed as Resource Conservation (RC), Agriculture (AG), Rural Living (RL), Floodway (FW) and Open Space (OS). Included in these definitions of urban vs. rural is the requirement to use net area calculations in determining the minimum parcel sizes of new subdivisions of land within urban zoning districts.

During the course of the various Planning Commission hearings on this project, several members of the public have expressed their concern with the provisions regarding the method of calculating the minimum parcel area for subdivisions. The regulations in the current Development Code are based upon the land use zoning districts in which the parent parcel is located. If it is located within a land use zoning district that has a minimum parcel size of one acre or more, the parcel size calculations are based on the gross area. If the parent parcel is located within a land use zoning district that has a minimum parcel size of less than one acre, the parcel size calculations are based on the net area, exclusive of any area within abutting planned rights-of-way. These standards have produced subdivisions within RS-1 (Single Residential-one acre minimum parcel size) Land Use Zoning Districts with parcels that are as low as .54 acres in area. Tentative Tract 17232 was recently approved in Phelan and is an example of this. There are 23 parcels within this 50-lot tract that are under three-fourths of an acre net. Tentative Parcel Maps 16777, 17466, and 18107 in Phelan and the unincorporated area in Apple Valley are further examples of subdivisions with resultant parcels less three-fourths of an acre net within RS-1 zoning. The proposed code update defines the RS district as an urban designation and, therefore, net area calculations are to be used.

There are nearly 14,000 parcels that are more than two acres in size within RS-1 designations in the Desert Region that are capable of being subdivided to one acre minimum lot size. This means that there is the potential for at least 28,000 new parcels in the Region if each parcel was just divided into two parcels. Some parcels are large enough to create three or four parcels. This number of parcels would obviously create a concern over the proper disposal of wastewater. The RS-1 zones in the Desert Region represent a higher density design for development in the region with a predominance of on-site septic systems. The Regional Water Quality Control Boards require that parcels using septic systems need enough area within the parcel for 100% replacement of the system. The change to use net area calculations in RS-1 zoning will help ensure that there is sufficient

area within a parcel for wastewater disposal and will help ease concerns over these systems and their proximity to existing wells.

The requirement to use net area calculation method for the RS-1 zone will also reduce the overall density of an area and develop land use patterns that are more consistent with the rural character of the community plan areas in the Desert Region. Additionally, it will avoid confusion in calculating minimum parcel sizes for all Single Residential districts and bring consistency among the various RS zones (RS, RS-10,000, RS-14,000, RS-20,000 and RS-1).

A related aspect of this issue is to determine if there are any areas within a parcel that should be excluded when computing the resultant parcel sizes within a proposed subdivision. This determination is important so that minimum parcel sizes can be met for all proposed Parcel Maps and Tracts. The Development Code Update is currently drafted to exclude (1) a vehicular access easement through the parcel; (2) any easement completely restricting or prohibiting any use of the property, for ingress, egress, landscaping, recreation, storage, etc.; or (3) the "flag pole" (access strip) of a flag lot. County staff members from Planning and the Surveyors Office believe that these areas should be excluded when computing minimum parcel sizes because there is an expectation that all of the minimum size of a parcel should be available to the property owner for his/her use and enjoyment.

❖ **MOBILE HOME PARKS IN THE RURAL LIVING (RL) LAND USE ZONING DISTRICT:**

A recent project was presented to the Planning Commission that was for a Conditional Use Permit to establish a 160-unit manufactured home community on 40 acres on the northwest corner of Goss and Buckwheat Roads in the community of Phelan. This type of project is currently allowed in compliance with the Development Code. However, this project did bring to light the inconsistency between the Code and the General Plan locational criteria and building intensity standards for the RL zoning district. Upon further consideration of these criteria and standards, staff believes that mobile home (manufactured home) parks are not appropriate in the RL zone as they are urban density residential uses within rural areas. Consequently, staff is recommending that the land use table in the new code be amended to delete mobile homes parks from being allowed in the Rural Living Land Use Zoning District.

❖ **MISCELLANEOUS CHANGES:**

- ◆ Change the Development Standards Charts for all land use districts to modify "Site Coverage" to "Lot Coverage" and to bring consistency between these standards and the landscaping standards in Chapter 83.10
- ◆ Amend the Biotic Resources (BR) Overlay to add professional qualifications standards for those individuals preparing biota reports.
- ◆ Substitute the Open Space Overlay for the Scenic Overlay and reorganize the subsequent chapters.
- ◆ Clarify the provisions of the Paleontologic Resources (PR) Overlay
- ◆ Clarify the provisions of the Allowed Projections/Structures Within Setbacks table relative to walkways, parking areas and driveways in the Mountain Region.
- ◆ Clarify the language relative to walls required between different land Use Zoning Districts.
- ◆ Clarify the provisions relative to the hillside grading requirements.

- ◆ Clarify the language relative to the landscaping requirements.
- ◆ Clarify the provisions relative to the general parking requirements.
- ◆ Revise the Agritourism regulations to clarify that the parking referred to in Table 84-1 are for the structures associated with the commercial activities and not for the agricultural uses and to add new provisions addressing the seasonal operation of some activities.
- ◆ Amend the Plant Protection and Management Chapter to change the review authority of the Desert Native Plant Commercial Harvesting Permit from the Agricultural Commissioner to the Director of Land Use Services and to add provisions to protect oak woodlands.
- ◆ Amend the definitions of Building Coverage and Lot Coverage.

Recommendation

CONTINUE the hearing on the General Plan Update to February 8, 2007.

Attachment

[1. Development Code Cleanup Changes](#)

